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KONRAD ADENAUER FOUNDATION (KAF)

“Support of the Legislative Assembly in Liberia”

Strengthening the Parliamentary Practise – Legislation and Law Drafting

MISSION REPORT

Excerpts:

Executive Summary and Recommendations Access to Information

by

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1. Executive Summary:

The EU/KAF project “Support to the Legislative Assembly of Liberia” focuses on the legislative branch of the Liberian government. The 2005 elections met democratic standards and the present Legislature can claim to be representative. The legislative branch of previous governments was not able to fulfil any of these vital functions in an appropriate way.

The legislators will go on recess in August. Looking back at the first session period of the 52nd Legislature of Liberia, it can be said that first movements into the right directions have been made. As far as legislation is concerned, the legislators adopted important laws such as the national budget. First public hearings have been carried out. But the Legislature is still in the process of organizing and structuring itself. The existing deficiencies in infrastructure and equipment are still one obstacle on the way to a functioning Legislature. Besides this, the two houses still have problems in parliamentary procedures and practises. Most of the staff members are not qualified to fulfil their functions and are underpaid (although their salaries have just been increased from US\$ 26 to US\$ 30 per month). The access to information of the legislators is very poor as the baseline study will show. Research capacities need also to be strengthened.

The Government of Liberia has embarked upon a massive program of Public Sector Reform. The Governance Reform Commission (GRC) oversees the Government's public sector initiatives which also includes Legislative Capacity Building (with the cooperation of the National Legislature). But by the time this report was finished the GRC has been focusing mainly on the executive branch.

The expert was involved in the part of the project dealing with legislation and law drafting as one of the key functions of a democratic Legislature. A key component for good governance and laws of good quality is information. The expert carried out a baseline study on the access to information and resources of the legislators. A roundtable discussion on the results of the baseline study took place after the study has been finished. A workshop on the "Handbook on Legislation and Law Drafting" was organised in order to prepare the final draft of the Handbook drafted during the first year of the project.

The report describes the work of the expert in Germany and Liberia considering the specific situation in Liberia and the information obtained during the expert's stay in Monrovia. Each part of the report contains recommendations and proposals regarding the specific activity of the project.

5.3. Recommendations

The improvement of the access to reliable and independent information is urgent. Without information the lawmakers are not able to perform any of its functions in a proper way. A situation where theoretical knowledge cannot be applied due to a lack of basic infrastructure and equipment should be avoided. The legislators repeatedly stressed this point.

The participants confirmed that USAID will fund the renovation of the Capitol building whereas it only finances the building of the structure but not any equipment or supplies. UNDP already carried out a needs assessment regarding the Legislature and an African association is funding the creation and development of a Legislative Development Plan and provides assistance.

The Legislature still needs assistance to improve its access to information and research capacities. The following activities are recommended:

- Training of research staff
- Establishment of a functioning library and archive
- Building of a Resource Centre with Internet access
- Cooperation with CSO and universities

As the structure of the Capitol will be redesigned during the renovation, it has to be figured out whether space is available or could be made available to group together a library, the archive and a resource centre for both houses.

- The library could start with a basic collection such as Liberian laws, newspaper clippings, statistic information about the country, its districts and counties (available at the HIC-Centre in Monrovia that is collecting data and information about the country). The basic collection might be completed with books and material about

Liberia. The biggest collection of Liberian material is available in the United States. An expert group consisting of local and international experts could develop a library system and train the library staff (18 people!) in library management. Reportedly, there is only one Liberian in the country who studied librarian science; he is currently the head librarian of the University of Liberia (Director of the Library). Another Liberian works as a librarian scientist in Sweden. After the library has been set up, the legislators and their research staff should be trained in using the library effectively.

- The archive should be part of a resource center, together with the library. In case the archive should remain in the current rooms, it needs to be restored. The rooms have to be renovated and equipped with furniture, electricity and air condition. With the assistance of local and international specialists an archival system should be developed (the administration of the two houses should also be involved). A specialised team should carefully review all documents stored in the archive. Especially historical documents are in bad condition. It may be considered to microfiche those and to provide the archive with a microfiche system. Documents should be ordered according to the newly created archival system. Activities must also include sufficient training for the archive staff. Legislators and their staff should also be trained in using the archive properly. Training should also be given to the archive staff (17 people) on archive management.

- It seems like the Foreign Office has material (recent laws etc.) which is useful for the legislative archive and vice versa. Each of them should review their documents and swap with the other or provide the other office with material. Thus, both offices can extend their stocks. An ongoing cooperation in the exchange of material may be established.

- A Resource Centre should be developed with Internet facilities for all legislators.

- The Press Office should be further supported and an Information Center may be created.

- Training of research staff: In any case, trained research staff is needed. Candidates for training may be recruited from the outside or from among the existing parliament staff. In workshops they should receive intensive training on research methods whereas training must consider the specific Liberian situation.

- List of experts: The legislators, especially the committees, need technical expertise in their areas of jurisdiction. Experts in the respective issue of concern could provide the legislators with expert knowledge, opinions and other information on proposed legislation on request. Possible experts that are qualified and willing to assist the Legislature in obtaining non-partisan information on proposed laws have to be found and be linked with the legislators to figure out the conditions of cooperation. Cooperation could be on a contractual or pro bono basis. Assistance could be given to the Legislators in developing a directory of experts on hand. Another option is to make the experts work for an outside research centre that provides research assistance to legislators.

- University: The universities in Liberia should be included in research services for the Legislature. By the time the expert carried out this study the importance of

universities has repeatedly been stressed, not only by the President. The country needs qualified people for further development. It also seems that students are becoming more and more active in politics. Students may produce research studies on proposed laws and internships programs with the Legislature could be established. Qualified students may work for the Legislature after graduation. Obtaining information through cooperation and consultation with the civil society needs to be improved further developed, e.g., by the following measures:

- Training in conducting public hearings for the legislators
- Training for citizen organizations in participating in public hearings
- Training for civil society organizations and special interest groups in legislative advocacy(input and feedback on proposed legislation). Those organizations can serve as a valuable source of information for the Legislature.
- Supporting the direct exchange between civil society and the legislators by organising by organizing a public forum. EC/KAF could fund the organization of such a forum
- Link the legislators with civil society: Civil society organizations may host an exhibition for legislators to become acquainted with their work and expertise. Organizations working on a variety of reforms and public policies can place their lobbying and advocacy agendas directly before those empowered to enact the nation's laws. Now, when MPs want to learn more about the implications of a specific policy, they will know where to turn for more information.

Knowledge transfer through training courses may be combined with “physical” support in terms of equipment and infrastructure. If possible, the project may participate in one or more of these activities through funding of equipment, training or expert knowledge. This would not only secure visibility. It will be support designed to the urgent needs of the Legislature. The project activities include for the second year the establishment of a Press Office. If this could be extended to the establishment of an Information Centre grouped together with the Press Office is, of course, a question of the budget. The same goes for any involvement of the project in the development of a library, archive or resource centre.

For further capacity building it is important that the Legislature adopts a Legislative Development Plan. Other NGO's offered assistance in the development of such a plan. Regardless this fact, EU/KAF may also provide assistance and consultancy to support the Legislature in this respect. The second phase of the project includes the work with the “Parliamentary Reform Coordination Committee”. As stated above, this committee has so far been an ad-hoc committee not working on a permanent basis. Although the participating legislators agreed in the roundtable discussion to establish a permanent Reform Committee, it has to wait if and when this will happen. The project should continue the dialogue with the legislators regarding this point.

The “The Handbook on Legislation and Law Drafting” should be finalised and taken to the “next level” in order to be adopted as an official guideline (see recommendations under 2).

The project has so far been able to contribute effectively to the capacity building of the Legislature. The work of the project is highly appreciated by the lawmakers. Like one legislator put it: "I know that when KAF is doing something, it is substantive".

The constant cooperation between the EU/KAF office and the legislators and the open dialogue should continue. During the first year of the 52nd Legislature of Liberia only four laws have been passed. In the next session period the legislators will face enormous tasks. It will be called upon to pass urgent civil service, budget and reform measures, the TRC process will intensify. The Legislature needs further assistance in many kinds of different fields, such as parliamentary working procedures, law drafting, improvement of access to information and research capacities, constituency work and public relations work. It has to be taken into consideration, though, that the legislators are on recess until Jan. 2007. Training courses and other activities involving the legislators during recess will depend on the availability of the lawmakers during this period.

Dr. Iris Breutz, August 2006